

**Patent
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REMARKS

Claims 1-5, 7-16, 18-23 and 25-26 are now pending in the application. Claims 1, 10, 12, 18 and 25 have been amended. Claims 6, 17, 24 and 27 have been canceled.

Claims 1-5, 7, 8, 18-23 and 27 were rejected under 35 USC 102(e) as being anticipated by Mak (USPGPUB 2004/0085289); Claim 1 was rejected as being anticipated by Fleck et al. (US Patent 6,977,811); Claims 6, 9 and 12-16 were rejected under 35 USC 103(a) as being unpatentable over Mak in view of Motoki et al. (US Patent 6,752,758); Claims 10, 11, 17, 24 and 25 were rejected as being unpatentable over Mak and Motoki in view of Fleck; and Claim 26 was rejected as being unpatentable over Mak in view of Harding et al. (US Patent 6,184,869). In view of the foregoing claim amendments and the following discussion, each of these rejections is respectfully traversed and reconsideration is requested.

Independent Claim 1, as amended herein, is directed to an apparatus for interfacing with a user including a first manipulandum to provide a first type of input from the user to a computer program and a second manipulandum disposed in close proximity to the first manipulandum to provide a second type of input from the user to the computer program. The first type of input comprises continuous input and the second type of input comprises discrete input.

As Claim 1 now includes the limitations of Claim 6, the 102 rejections based upon Mak and Fleck are rendered moot and the rejection based upon Mak and Motoki will be addressed.

The Action takes the position (para 5) that "Mak fails to teach the first type of input comprising continuous input", but "it would be obvious...to incorporate the use of an analog joystick as taught by Motoki in the input device taught by Mak in order to provide the device with a greater degree of freedom to function". Applicants respectfully disagree.

First, Motoki is directed to an endoscope apparatus with a "bending drive device with a drive source" for bending a bending portion of the endoscope – Motoki is focused on improving operational precision of an endoscope, noting that "the operational precision is improved by narrowing an insensitive range of a neutral position where an angle signal from a joystick should be stopped" (col. 5, lines 34-37). Motoki includes only one "manipulandum". Motoki is directed to completely nonanalogous art of an endoscope drive device, and there is absolutely no reason to believe that Motoki would have come to Mak's attention in considering a way to "provide his device with a greater degree of freedom to function" as alleged in the Action.

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In addition, Applicants submit that one of ordinary skill in the art would have absolutely no motivation (i.e., no apparent reason) to turn to the alleged teachings of the Motoki *endoscope apparatus patent* to attempt to combine any teachings therein with Mak. The assertion in the Office Action that such a combination would “provide the device with a greater degree of freedom to function” relies solely upon Applicants’ very own teachings – as the device of Mak is operable *without* any modification including a “first type of input comprising continuous input” and provides no indication of a desire for a “greater degree of freedom to function” (that would allegedly lead to the proposed combination).

For at least the foregoing reasons, amended independent Claim 1 is believed patentable over the combined teachings of Mak and Motoki, and reconsideration is respectfully requested.

Former dependent Claim 10 has been rewritten in independent form to include the limitations of Claim 1 as filed, and includes the recitation of the limitation that the joy pad includes one or more inputs, and the circular top has a radius that extends almost to a beginning of the one or more inputs of the joy pad, whereby a user can move the joy stick and *simultaneously* depress one input of the joy pad with a single digit.

Independent Claim 12, as amended herein to include the limitations of now canceled Claim 17, is directed to an apparatus for interacting with a computer, the apparatus having a multifunction switch including a plurality of buttons to accept one or more discrete inputs from the user and a joystick input device disposed in close proximity to the multifunction switch to accept continuous input from the user. The joystick includes a knob disposed on a top of the joystick, the knob having a circular top and *extending in radius to the plurality of discrete inputs*.

Independent Claim 18, as amended herein to include the limitations of now canceled Claim 24, is directed to a method for interfacing a user and a computer program including coupling a joystick to a computer interface to provide first input from a user to a computer program executing on a computer, coupling a joy pad to a computer interface to provide second input from a user to the computer program executing on the computer and disposing the joystick in close proximity to the joy pad so that a single user’s digit can manipulate both the joystick and one or more buttons or positions on the joy pad. The joystick includes a knob disposed on a top of the joystick, the knob having a circular top and *extending in radius to the plurality of directional inputs*.

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Claims 10, 17 and 24 were rejected based upon the alleged combined teachings of Mak, Motoki and Fleck. Specifically, the Action (para 6) alleges "Mak teaches the joy pad including one or more inputs", "Motoki teaches the joystick knob with a circular top" – "Mak and Motoki fail to teach the circular top having a radius that *extends almost* to a beginning of the one or more inputs of the joy pad, whereby a user can move the joy stick and depress the one input of the joy pad with a single digit" (emphasis added). The Action then alleges that Fleck provides the teachings acknowledged to be missing from Mak and Motoki, and that "it would be obvious...to form an input device relatively close to a keypad as taught by Fleck in the input device taught by Mak and Motoki so that the user would not have to reposition his fingertips across the keyboard to actuate a key".

Again, Applicants submit that first, one of ordinary skill in the art would have absolutely no apparent reason to turn to the alleged teachings of the Motoki *endoscope apparatus patent* to attempt to combine any teachings therein with Mak, much less to then turn to the alleged teachings of Fleck "so that a user would not have not reposition his fingertips". The multiple statements provided in the Action to combine the alleged teachings of Mak, Motoki and Fleck in the manner proposed, rely solely upon Applicants' very own teachings.

In addition, Applicants submit that Mak, Motoki and Fleck all fail to teach or even suggest an apparatus, as defined by Claim 10, for interfacing with a user, that includes a joystick with a circular top and a joy pad disposed in close proximity to the joystick, wherein the joy pad includes one or more inputs and a circular top having a radius that extends almost to a beginning of the one or more inputs of the joy pad, whereby a user can simultaneously move the joy stick and depress one input of the joy pad with a single digit.

Finally, Applicants submit that each of independent Claims 12 and 17 recites that the "joystick includes a knob disposed on a top of the joystick, the knob having a circular top and extending in radius to the plurality of discrete inputs". Fleck recites that the right and left arrow buttons "can be positioned several millimeters away from the mouse button 300" which "allows the user to rest his thumb over the mouse button 300, and then actuate the right arrow button 302 or the left arrow button 304 by simply 'rocking' his thumb sideways" (col. 5, lines 13-19), but does not teach or even suggest that the mouse button "extends in radius to the plurality of discrete inputs".


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For at least the foregoing reason, Applicant respectfully submits that each of independent Claims 10, 17 and 24 is patentable over any permissible combination of teachings of Mak, Motoki and Fleck.

Dependent Claims 2-5, 7-9, 11, 13-16, 19-23 and 25-26 are also believed to be patentable over the art of record for at least the same reasons as indicated above with respect to Claims 1, 10, 12 and 18, one or another from which they depend, and are believed to even further define over the art of record by reciting additional distinguishing limitations.

Reconsideration and withdrawal of the rejections are respectfully requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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